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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,210	10/13/2004	John R. Kinghorn	GB 020046	2150

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/511,210

Applicant(s)

KINGHORN, JOHN R.

Examiner

Motilewa Good-Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 recites the limitation "the angular separation" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The computer program claim is a description or expression of the program and not physical things. Therefore it is non-statutory in that they are no physical acts being performed. Further, the steps of the computer program do not define any structural and functional interrelationship between the computer program and other claimed element of a computer to permit the computer programs' functionality.

Therefore, in order to determine if the process is statutory, one must determine whether the computer program is being claimed as part of a statutory manufacture or machine. A computer program process that merely manipulates an abstract idea is non-statutory despite the fact that it might inherently have some usefulness. For such

subject matter to be statutory, the program must not be directed to a mere program listing of a set of instructions capable of being executed on a computer. Examiner finds no limitation to a practical application, i.e. computer readable medium, needed to realize the computer programs' functionality for the claimed program.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Loughmiller, Jr. et al., U.S. Patent Number 4,914,605, hereinafter Loughmiller.

Regarding claim 1, Loughmiller discloses a method of labeling an image for display on a screen comprising the steps of retrieving the image (col. 12, lines 54-56), displaying the image rotated (col. 5, lines 39-53, figures 3A-3J), and displaying first and second text labels on the image wherein each label identifies a part or feature of the image (figures 3A-3J), and wherein the first text label is displayed in accordance with one labeling scheme, and the second text label is displayed in accordance with a different labeling scheme (col. 4, lines 10-11, a selective and dynamic labeling scheme, which Examiner interprets as first text label with one labeling scheme and second text label with different labeling scheme respectively), wherein said first and second text labels are orientated within a predetermined deviation from a horizontal reference of the

image (figure 2-2, shows Ye'Hm as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants specification, page 4, lines 5-12)

Regarding claim 2, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated with the image (figures 3C-3F)

Regarding claim 3, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of a plurality of possible orientations relative to the rotated image (col. 5, lines 3-9)

Regarding claim 4, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of a plurality of possible orientations relative to the rotated image (figures 3C-3J); and wherein an angular separation between those possible orientations is constant (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle (Hm-90), which Examiner interprets as constant angular separation between possible orientations)

Regarding claim 5, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of an odd plurality of possible orientations relative to the rotated image (figures 3E and 3F)

Regarding claim 6, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels horizontal on the display (figures 3C, 3D, 3G-3J)

Regarding claim 7, Loughmiller discloses a method according to any preceding claim further comprising the step of displaying the image unrotated prior to displaying the image rotated, wherein the first and second text labels are displayed on the unrotated image in accordance with the same respective schemes as used for the rotated image (figures 3A and 3B)

Regarding claim 8, Loughmiller discloses a method according to claim 1 wherein each that scheme to which the text label is to be displayed (col. 11, lines 18-33, location scheme is displayed)

Regarding claim 9, Loughmiller discloses a method wherein the first and second text labels are members of first and second groups of text labels respectively (col. 4, lines 10-11, a selective and dynamic labeling scheme, which Examiner interprets as first text label with one labeling scheme and second text label with different labeling scheme respectively); and wherein text labels in the same group are displayed in accordance with the same labeling scheme (col. 5, lines 3-9, for selective labeling only certain streets are labeled and for dynamic the labels are position to be readable as the map display moves in translation and/or rotation)

Regarding claim 10, Loughmiller discloses a method of labeling an image for display on a screen comprising the steps of retrieving the image, displaying the image rotated, and displaying a text label on the image rotated to one of a plurality of possible orientations relative to the rotated image (figures 3A-3J), wherein said text label is oriented with a predetermined deviation from a horizontal reference of the image (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle ( $Hm-90$ ), which Examiner interprets as constant angular separation between possible orientations)

Regarding claim 11, Loughmiller discloses wherein the angular separation between those possible orientations is constant (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle ( $Hm-90$ ), which Examiner interprets as constant angular separation between possible orientations)

Regarding claim 12, Loughmiller discloses wherein the angular separation between those possible orientations is constant and the number of possible orientations relative to the rotated image is odd (figure 2-2, shows  $Ye'Hm$  as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants specification, page 4, lines 5-12)

Regarding claims 13, 14, 16 and 17, Loughmiller discloses a computer program to perform the method (col. 14, computer program structure)

Regarding claims 15 and 18, Loughmiller discloses apparatus having a display (36, col. 12, line 6) and a processor (12, computer) configured to perform a method according to any of claims 1 to 1 (col. 12, lines 17-21)

Regarding claims 19 and 20, Loughmiller discloses wherein the predetermined deviation is +/- 30 degrees (figure 2-2, shows Ye'Hm as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants specification, page 4, lines 5-12)

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Response to Arguments***

4. Applicant's arguments filed 01/26/2007 have been fully considered but they are not persuasive.

Applicant argues that Loughmiller fails to disclose presentation of the label limited to within a predetermined deviation from a horizontal reference of the image. Applicant argues that Loughmiller discloses orientation to remain essentially parallel to the street presentation. It is the Examiner interpretation that a parallel orientation is a predetermined deviation from a horizontal reference. Furthermore, figures 2-2 and 2-3, col. 6, lines 17-50, Loughmiller discloses the rotation of the axes of the base map BM coordinate system by an angle (Hm-90), which is a predetermined deviation. Loughmiller discloses figure 2-2, shows Ye'Hm as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants specification, page 4, lines 5-12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Motilewa Good-Johnson  
Examiner  
Art Unit 2628

mgj



KEE M. TUNG  
SUPERVISORY PATENT EXAMINER